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# Encroachments

## Utility Easements

Encroaching on a utility easement requires written permission from all of the subject utilities that control this easement. The subject utility may be the City of Greenwood or any number of private utility companies servicing the Greenwood area.

Identifying and contacting the applicable private utilities is the responsibility of the property owner.

If the City of Greenwood has all or shared control of the easement, then permission must be obtained from the Board of Public Works and Safety (BPWS). Your request must go before the BPWS for consideration at one of their public meetings. Contact the City Engineering Department at (317) 887-5230 to appear at one of the BPWS bi-monthly meetings. At least two weeks prior to the meeting, the Engineer will need a cover letter stating your request, a detailed and dimensioned drawing showing the site and the proposed structure, and (if applicable) written permission from all other utilities sharing this easement. The City Engineer (and/or Sanitation Engineer) will make a recommendation to the BPWS regarding your request.



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***Procedures for obtaining  
encroachment permission for  
all types of structures***

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# “ENCROACHMENT”...

## What is it and how do I get permission to do it?

Many properties have restrictions as to where (and if) you can build certain structures. Most of these guidelines are shown directly on your plot plan or mortgage survey, primarily in the form of setbacks, building lines, and easements.

Crossing any of these invisible lines is considered “encroachment” and requires certain permission(s) and procedures to do so. On occasion, more than one permission is required in order to encroach. The following is a brief description of the basic types of encroachments and the procedures necessary to obtain permission to encroach.

### Building Setback Line Established by the Greenwood Zoning Ordinance.

The Zoning Ordinance sets minimum setback requirements based on your particular zoning district and/or type of subdivision. To encroach in this type of setback requires the approval of a Dimensional Variance by the Greenwood Board of Zoning Appeals. This process requires a filing fee, takes at requires a public hearing and public notice, and takes at least 30 days to complete.

### Building Setback Line Established by Subdivision Plans.

A setback line established by a subdivision plan is essentially an agreement between all of the subdivision property owners that structures can only be placed in certain areas on your lot. The city recognizes these building lines, but if they are greater than the city's established minimum, the city does not have the authority to allow encroachment. Therefore, encroachment on these types of lines requires written approval from at least 51% of the property owners (not just residents) in this section of the subdivision in order to amend the plat. Note that

if this building setback line established by the subdivision is exactly the same as the city-established setback line, then both types of encroachment permissions are required. Contact the Planning Department for the process to obtain property-owner approval.

### Drainage Easements

Encroachment into a drainage easement is generally under the jurisdiction of the Greenwood Board of Public Works and Safety (BPWS). Your request must go before the BPWS for consideration at one of their public meetings. Contact the City Engineering Department at (317) 887-5230 to appear at one of the BPWS bi-monthly meetings. At least two weeks prior to the meeting, the Engineer will need a cover letter stating your request and a detailed and dimensioned drawing showing the site and the proposed structure. The City Engineer (and/or Sanitation Engineer) will make a recommendation to the BPWS regarding your request.

### Covenants

Most subdivisions have Covenants which are a private, legal restriction on the use of land contained in the deed to the property and otherwise formally recorded. These covenants will usually identify what types of structures are permitted and also indicate that “Architectural Approval” by the Association is required before a structure can be built. Therefore, written approval from the Association (per the Covenants) is generally accepted prior to proceeding with a Building Permit application. However, because the Covenants are a private agreement between the property owners within a subdivision, the City cannot enforce them.

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